

Remarks

This amendment is responsive to the Office communication mailed March 1, 2005. It follows telephone conferences held with the Examiner on April 12 and 15, 2005, in which the cited art the tenor of the present amendment and procedural matters were discussed.

Claim 18 has been amended to recite that the claimed computer program product comprises “a computer readable program”. As amended, claim 18 is believed to conform to the Examiner’s working interpretation of the claim as expressed on page 2 of the action and to avoid any ground for indefiniteness under 35 U.S.C. § 112, second paragraph.

Claim 1 has been amended to include the limitation formerly contained in claim 14, which has been cancelled. More particularly, claim 1 as amended recites that the step of determining a subset of the channels includes the steps of checking the priority of information currently being transmitted over busy channels and selecting one or more busy channels to take over control for transmitting data if the priority of information currently transmitted has a lower priority. This is shown, for example, in Fig. 2, where a higher-priority connection 204 takes over channels CH1-CH2 currently being used by a lower-priority connection 202 (page 9, line 8, to page 10, line 5). Claim 19 has been amended to include a similar recitation about the operation of the bus access controller.

As amended, claims 1 and 19 are believed to distinguish patentably over the art cited by the Examiner, especially O’Neal et al. 4,156,796 (“O’Neal”), cited as a primary reference. The Examiner has rejected claim 14, which formerly contained this limitation, as being anticipated by O’Neal. In particular, the Examiner points to passages in O’Neal at column 1, lines 36-40, column 55, lines 24-68, and column 4, lines 1-14, which allegedly teach this mode of operation. What these passages teach, however, is that in initially assigning a data transfer to one or more communications lines, real-time requests are prioritized over non-real-time requests, high-data-rate lines are favored over low-data-rate lines, and the like. Thus, in discussing the prioritized service request queuing mechanism, the patentee states that this feature enhances the throughput of a communications multiplexer (col. 4, lines 4-9):

"by prioritizing receive and transmit operations in such a manner that real time transmit service requests are prioritized over non-realtime receive requests, and high data rate lines are prioritized over low data rate lines."

There is no suggestion, however, of pre-empting lower-priority transfers of data that have already been commenced. Rather, as described at column 58, lines 5-31, once a communications line 203, 215 (Fig. 1) has been opened, data transfer continues over that line until the remaining byte count has been decremented to zero. In the language of applicant's claims as amended, O'Neal contains no notion of checking the priority of information currently being transmitted over busy channels and selecting one or more busy channels to take over control for transmitting data if the priority of information currently transmitted has a lower priority. Likewise, neither of the other two references applied by the Examiner, Haskin 5,426,645 and Blasbalg 4,771,391, appears to teach a mode of operation in which a higher-priority transmission takes over a channel currently being used for a lower-priority transmission, as claimed by applicant.

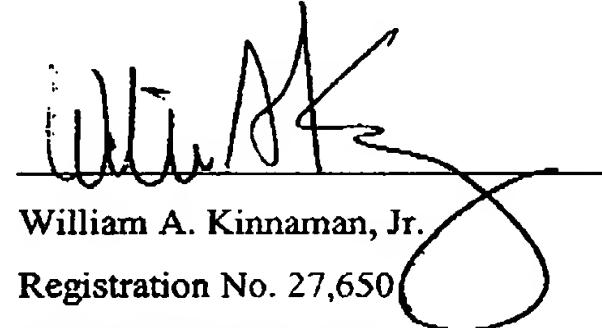
For the foregoing reasons, claims 1 and 19 as amended and the claims dependent thereon are believed to distinguish patentably over the art cited by the Examiner.

Conclusion

Reconsideration of the application as amended is respectfully requested. It is hoped that upon the Examiner will hold all claims allowable and pass the case to issue at an early date. Such action is earnestly solicited.

Respectfully submitted,
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